



AWARENESS
on
PUBLIC INTEREST DISCLOSURE AND
PROTECTION OF INFORMERS
RESOLUTION
(PIDPI)



EASTERN COALFIELDS LIMITED
(A Subsidiary of Coal India Limited)



ECL

**PUBLIC INTEREST DISCLOSURE AND PROTECTION
OF INFORMER RESOLUTION, 2004 (PIDPI)**

IS THERE CORRUPTION AROUND YOU?

LODGE A COMPLAINT UNDER PIDPI

**Your Identity shall be
kept Confidential**

**A VIGILANCE AWARENESS
WEEK 2021 INITIATIVE**



SEND COMPLAINTS IN WRITING TO:

**The Secretary,
Central Vigilance Commission
Satarkta Bhavan, Block-A,
GPO Complex, INA,
New Delhi - 110 023**

(MARK THE ENVELOPE AS 'PIDPI')

**COMPLAINTS SHOULD ONLY
BE AGAINST CENTRAL GOVERNMENT EMPLOYEES,
INCLUDING PSUs, PSBs AND UTs etc.**



PIDPI COMPLAINTS:

WHAT ARE THEY?

WHEN SHOULD
YOU MAKE
THEM?



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PIDPI COMPLAINTS:

1

Complaints made under Public Interest Disclosure and Protection of Informer Resolution are termed as **PIDPI Complaints**.

2

If any complaint is made under PIDPI, the **identity of the complainant is kept confidential**.

3

The complaint should be addressed to:
The Secretary,
Central Vigilance Commission, Satarkata Bhavan,
Block-A, GPO Complex, INA, New Delhi – 110 023
(Envelope should be marked as "PIDPI")

4

Only complaints against Central Government official (including PSBs, PSUs and UTs) will be taken into cognizance.

5

For more details visit
<http://www.cvc.gov.in>.

**A VIGILANCE AWARENESS WEEK
2021 INITIATIVE**



Disclaimer

- ❖ This booklet is intended solely for creating awareness on PIDPI Complaints.
- ❖ All necessary efforts have been made to provide accurate and updated information. For any inadvertent error or doubt, the relevant resolution and various circulars/OMs issued by DoPT/CVC may be referred.

INDEX

Description	Page No.
Introduction	1
What is Corruption	3
Where to Complain	5
How to Complain	6
Sample letter	7
Things to be avoided	9
Genesis of PIDPI	10
Procedure for handling PIDPI	12
Protection to Whistle Blower	14
Summary	15
List of important circulars	17



PIDPI–Public Interest Disclosure and Protection of Informers Resolution

INTRODUCTION

Citizens play an important role in protecting the democratic setup of the country. Citizens shall remain vigilant and must realize the power bestowed on them in a democracy. Every citizen of India is duty bound to be vigilant and to contribute towards good governance.

Citizens may come across corruption or misuse of office in the system. In such a situation, the citizens should be vigilant and submit the complaint or information without any hesitation or fear of victimization.

Citizen can lodge a complaint or provide information in the form of PIDPI without being worried of any harassment. The identity of the complainant and / or informer is kept secret.

Resolution ensures that harassment of any kind should not happen to the complainant / informer.

PIDPI complaint may be filed against the employee of:

- a. Central Government.
- b. Central Public Sector Enterprises.
- c. Public Sector banks.
- d. Corporation established by or under any Central Act.
- e. Government companies, societies or local authorities owned or controlled by the Central Government.



What is Corruption ?



- ❖ Bribery (Give/Take).
- ❖ Nepotism.
- ❖ Willful action or inaction to benefit someone.
- ❖ Willful action or inaction to deny benefit to someone (known or unknown).
- ❖ Favoritism.
- ❖ Failure to follow laid down processes leading to unintended benefit to someone.
- ❖ Denial of benefit to the deserving.
- ❖ Gross or willful negligence.
- ❖ Recklessness in decision making.
- ❖ Blatant violations of systems and procedures.

The list continues.....

- ❖ Exercise of discretion in excess, where no ostensible public interest is evident.
- ❖ Failure to keep the controlling authority /superiors informed of required transactions and issues in time.
- ❖ Cause of undue loss or a concomitant gain to an individual or a set of individuals or a party or parties.
- ❖ Cases of misappropriation, forgery, fraud, theft or cheating or other similar offences.
- ❖ Possession of assets disproportionate to the known sources of income.
- ❖ Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- ❖ Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or is likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- ❖ Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- ❖ Misuse of office or position.

WHERE TO COMPLAIN:



Complaint may be addressed to:

The Secretary,
Central Vigilance Commission,
Satarkta Bhavan, Block-A,
GPO Complex, INA,
New Delhi - 110 023.

Sample Envelope:



How to complain under PIDPI

- ❖ The complaint should be in a closed / secured envelope.
- ❖ The envelope must be superscribed as “PIDPI” or “Complaint under The Public Interest Disclosure”.
- ❖ The complainant should mention his/her name and address in the beginning or end of complaint or in an attached letter.
- ❖ The name and address should NOT be mentioned on the envelope.
- ❖ Complaints should be sent via post only.
- ❖ Complaints received through emails, Complaint Management Portal of CVC or any other electronic medium will not be entertained.
- ❖ The text of the complaint should be drafted so as not to give any details or clue of identity of complainant.
- ❖ The details or content of the complaint should be specific and verifiable.
- ❖ Complainant can also attach supporting documents, if available.



Sample Letter:

To,
The Secretary,
Central Vigilance Commission
Satarkta Bhavan, Block-A,
GPO Complex, INA,
New Delhi - 110 023.

Sub:

Content.....

.....

.....

.....

.....

Thank You.

Yours Sincerely

-Signature-

Name: XYZ

Address: 41 MG Road, Shastri Nagar,
New Delhi-110 0XX



Sample letter mentioned in the previous page will be sent by the CVC to CBI/CVO for investigation in format below (by hiding name and address)

To,
The Secretary,
Central Vigilance Commission
Satarkta Bhavan, Block-A,
GPO Complex, INA,
New Delhi - 110 023.

Sub:

Content.....

.....
.....
.....
.....

Thank You.
Yours Sincerely

Hidden

Your Name and address is not disclosed by the CVC and will not reach the investigating agency i.e. CVO/CBI.

THINGS TO BE AVOIDED



- ❖ Anonymous/pseudonymous complaints should not be sent.
- ❖ Generic content in complaint should be avoided. It should be specific to the incident/s.
Example of generic complaint (to be avoided):
 - "Loot of crores of rupees taking place in ABC department",
 - "Procedures are violated in ABC section".
- ❖ Complaint should not be for grievance redressal.
- ❖ Complainant should not file same complaint with any other agency to avoid disclosure of his/her identification.
- ❖ The complaint should not be motivated or vexatious with intention to harass anyone.
- ❖ Complaint under PIDPI cannot be lodged against the employees of
 - State Governments.
 - Corporations established by State Governments.

GENESIS OF PIDPI:

In 2004, in response to a Writ Petition (Civil) No. 539/2003 filed after the murder of Shri Satyendra Dubey, the Supreme Court directed that a machinery be put in place for acting on complaints from whistle blowers till a law is enacted. Pursuant to that, the Government of India vide Gazette Notification No. 371/12/2002-AVD-III dated 21.04.2004 r/w Corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004 which gave the designated powers to the Commission to act on complaints from whistle-blowers.

Pursuant to the PIDPI Resolution, 2004, the Commission vide Office Order No. 33/5/2004 dated 17.05.2004 issued guidelines and Public Notice on the procedure to be followed for filing whistle-blower complaints under the PIDPI Resolution, 2004.

Subsequent to the Resolution of 2004, the DoPT vide Notification No. 371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution. The amendment, inter alia, authorized the Chief Vigilance Officer of the Ministries or Departments of Government of India to act as the designated Authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or Department. The amendment also authorized the Central Vigilance Commission to supervise and monitor the complaints received by the designated authority. The amendments have the following provisions:

❖ Para 1A- The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the designated authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

❖ Para 7A- Either on the application of the complainant, or on the basis of the information gathered, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.

❖ Para 11A- The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

“Never be afraid to raise your voice for honesty and truth and compassion against injustice and lying and greed. If people all over the world ... would do this, it would change the earth”
– William Faulkner”.

PROCEDURE FOR HANDLING COMPLAINTS UNDER PIDPI:



- ❖ Complaints received under PIDPI Resolution are opened in the Confidential Section and separate file for each complaint is created after concealing the name and address of the complainant.
- ❖ The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution and are forwarded by the Confidential Section to the section concerned of the Commission for taking necessary action.
- ❖ Anonymous and Pseudonymous complaints received under PIDPI Resolution are also sent directly to the section concerned of the Commission for taking necessary action under Complaint Handling Policy of the Commission.
- ❖ In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain
 - a) Confirmation as to whether he / she has made the complaint.

- b)** A certificate that he / she has not made similar / identical allegation of corruption / misuse of office to any other authorities to qualify as a Whistle Blower complainant.
- c)** Prescribed time limit for receiving the confirmation and the certificate from the Complainant is 30 days from the date of receipt of Commission's letter by the complainant.
- d)** In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate to the Commission.
- e)** If there is still no response from the complainant, the complaint is sent to the Branch concerned of the Commission for necessary action under Complaint Handling Policy of the Commission.

❖ After receiving necessary confirmation along with the certificate from the complainant, the complaint is placed before the Screening Committee for decision.

❖ The Screening Committee is headed by the Secretary and the Additional Secretaries of the Commission are members. The Screening Committee examines all complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.

❖ Screening Committee refers the complaint to the concerned Branch for further action. Complaints recommended for investigation and report are sent to the concerned Branch for further action after approval of the Commission. The Commission, vide Office Order No. 4/2/09 dated 27.02.2009, has prescribed a period of one month from the date of receipt of reference of the Commission for submitting report to it.

PROTECTION TO WHISTLE BLOWERS:

- ❖ According to the PIDPI Resolution, following provisions have been made for protection of Whistle Blowers:
 - Clause 6 - If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency/designated Authority (CVC) seeking redress in the matter, who shall take such action as deemed fit. The designated agency/designated authority may give suitable directions to the concerned public servant or the public authority as the case may be.
 - Clause 7 - Either on the application of the complainant, or on the basis of the information gathered, if the designated agency/designated authority is of the opinion that either the complainant or the witnesses need protection, the designated agency/designated authority shall issue appropriate directions to the concerned Government authorities.
 - Clause 11 - In the event of the identity of the informant being disclosed in spite of the designated agency's/designated authority's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure

- ❖ CVC, after receipt of representation(s) from Whistle Blowers about threat to their life, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle Blowers. On the advice of the Ministry of Home Affairs, State Governments / UTs have appointed Nodal Officers and details of such officers nominated by State Governments are furnished to the Commission from time to time by the Ministry of Home Affairs.

- ❖ As regards protection against victimization or harassment within the Department, the Commission forwards such complaints of Whistle Blowers to the CVO of the concerned organization for appropriate action.

Summary

PIDPI RESOLUTION

- ❖ The CVC is the designated agency/designated authority to receive written complaints or disclosure on any allegation of corruption or of mis-use of office by any employee of the Central Government or of any corporation established under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government.
- ❖ The designated agency/designated authority will verify the identity of the complainant. If the complaint is anonymous, it shall not take any action in the matter.
- ❖ The identity of the complainant will not be revealed unless the complainant has made either the details of the complaint public or disclosed his identity to any other office.
- ❖ The Commission shall not disclose the identity of the informant while calling for further report/investigation and also shall request the concerned head of the organization to keep the identity of the informant a secret, if for any reason it comes to notice.
- ❖ The Commission shall be authorised to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.

- ❖ If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the Commission seeking redress in the matter, wherein the Commission may give suitable directions to the concerned person or the authority. If the Commission is of the opinion that either the complainant or the witnesses need protection, it shall issue appropriate directions to the concerned government authorities.
- ❖ In case the Commission finds the complaint to be motivated or vexatious, it shall be at liberty to take appropriate steps.
- ❖ The Commission shall not entertain or inquire into any disclosure in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850, or a matter that has been referred for inquiry under the Commissions of Inquiry Act, 1952.
- ❖ In the event of the identity of the informant being disclosed in spite of the Commission's directions to the contrary, it is authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

"The truth of matter is that you always know the right thing to do.
The hard part is doing it"
-Robert H Schuller

List of few Important Circulars:

The following circulars are available on website: www.cvc.gov.in

CVC > Citizen's Corner > Whistle Blower Complaint

Description	Date
The Gazette of India on PIDPI Resolution (read with amendments)	21-04-2004 29-04-2004 29-08-2013
CVC office order No. 33/5/2004 on "Govt. of India Resolution on Public Interest Disclosures & Protection of Informer".	17-04-2004
CVC office order No. 4/2/09 on "Govt. of India Resolution on Public Interest Disclosures & Protection of Informer".	17-02-2009
CVC Circular No. 9/5/09 on "Govt. of India Resolution on Public Interest Disclosures & Protection of Informer-Delay in submission of Investigation report on PIDPI complaint-reg."	12-05-2009
CVC office order No. 4/2/12 on "Gol Resolution on Public Interest Disclosures & Protection of Informer (PIDPI)-Guideline thereon".	13-02-2012

<p>DOPT OM NO. 371/4/2013-AVD-III on subject "Amendment of Government of India's Resolution No. 89 published in the Gazette of India Part I Section 1, Extraordinary dated 21 St April, 2004 (read with corrigendum dated 29th April, 2004) commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-regarding".</p>	<p>03-09-2013</p>
<p>DOPT OM NO. 371/4/2013-AVD-III on subject "Amendment of Government of India's Resolution No. 89 published in the Gazette of India Part I Section 1, Extraordinary dated 21 St April, 2004 (read with corrigendum dated 29th April, 2004) commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-regarding".</p>	<p>16-06-2014</p>
<p>CVC circular order No. 12/9/18 on "Govt. of India Resolution on Public Interest Disclosures & Protection of Informer-reg."</p>	<p>28-09-2018</p>
<p>CVC Public notice on "Processing of PIDPI complaints by the Screening Committee of the Commission - Reg."</p>	<p>24-04-2019</p>
<p>CVC Public notice on "Processing of PIDPI Complaints by the Screening Committee of the Commission- Reg."</p>	<p>30-07-2021</p>

